

### **REMARKS**

In response to the Office Action dated December 27, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-25 were pending in the application, of which Claims 1, 24, and 25 are independent. In the Office Action dated December 27, 2007, Claims 1-17, 19, 21 and 23-25 were rejected under 35 U.S.C. §102(e), Claims 18, 20, and 22 were rejected under 35 U.S.C. §103(a), and Claims 1-25 were objected to. Following this response, Claims 1-12 and 14-25 remain in this application with dependent Claim 13 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

#### **I. Amendments to the Specification**

The specification has been amended to correct an informality. Applicants respectfully submit that the amendment to the specification adds no new matter.

#### **II. Objections to the Claims**

In the Office Action dated December 27, 2007, the Examiner objected to Claims 1-25 as containing various informalities. Claims 3, 9, 11-12, 14, and 17-20 have been amended to address these informalities and do not narrow the claimed subject matter. Specifically, dependent Claims 3, 9, 12, and 14 were amended to recite "further comprising", as suggested by the Examiner, after the clause introducing the claim dependency. In addition, dependent Claim 11 was amended to establish proper

antecedent basis for “the survey subject supervisor”. Moreover, dependent Claims 17-20 were amended to recite “at least one survey participant”. Applicants respectfully submit that the amendments overcome these objections and add no new matter.

As per Claims 1 and 24-26, the Examiner states that the term “coaching comment” is not applicable to the limitations presented in dependent Claims 22 and 23.” (See Office Action, page 2, lines 6-7.) Specifically, the Examiner states that “the specification does not make any reference to how the coaching comment would be used if the survey subject is a product or service.” (See Office Action, page 2, lines 10-11.) Applicants respectfully disagree. The specifications recites “the coaching comment is tailored for each performance category and for the type of performance posted by a given employee, product, or service in view of both the performance score for a given category and other performances attributes such as feedback comments for a given performance category and in view of past performance for the same performance category.” (See specification, page 11, lines 25-29.) Consequently, the specification supports how a coaching comment may be used if the survey subject is a product or service in the aforementioned example. Accordingly, Applicants respectfully request withdrawal of this objection to dependent Claims 1, 22, and 23.

### III. Rejection of Claims 1-17, 19, 21 and 23-25 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected Claims 1-17, 19, 21 and 23-25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,754,874 (“*Richman*”). Claims 1, 24 and 25 have been amended and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

According to exemplary embodiments, a scorecard database may be queried with feedback analysis information associated with a given employee and associated with a particular performance category. (See specification page 3, lines 10-12.) Coaching comments associated with performance scores and feedback comments for the particular performance category may be returned from the database in response to the database query. (See specification page 3, lines 12-16.) Furthermore, the coaching comments may be populated onto a performance scorecard under the particular performance category with which each coaching comment is associated. (See specification page 3, lines 16-17.)

Claim 1, as amended, recites “querying a database with the feedback analysis information associated with the survey subject and the at least one performance category for a coaching comment.” Amended Claims 24 and 25 each include a similar recitation. Support for these amendments can be found in the specification at least on page 3, lines 10-17.

In contrast, *Richman* at least does not disclose querying a database for coaching comments. For example, *Richman* merely discloses that a feedback provider access a scorecard through an evaluation system’s graphical interface. (See col. 9, lines 10-11.) The feedback provider in *Richman* can enter free form text feedback in a comment field and can rate a feedback receiver in each applicable competency area for overall performance. (See col. 9, lines 11-15.) Nowhere in *Richman* does it disclose querying a database for coaching comments. Rather, *Richman* teaches free form text feedback and is silent regarding coaching comment retrieval from a database.

*Richman* would not have led to the claimed subject matter because *Richman* at least does not disclose “querying a database with the feedback analysis information associated with the survey subject and the at least one performance category for a coaching comment,” as recited by amended Claim 1. Amended Claims 24 and 25 each include a similar recitation. Accordingly, independent Claims 1, 24 and 25 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 24 and 25.

Dependent Claims 2-12, 14-17, 19, 21, and 23 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of these rejections of dependent Claims 2-12, 14-17, 19, 21, and 23.

#### IV. Rejection of Claims 18, 20, and 22 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 18, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Richman* in view of U.S. Patent No. 6,381,744 (“*Nanos*”). Dependent Claims 18, 20, and 22 are each patentably distinguishable over the cited art for at least the reason that they include, due to their dependency on amended independent Claim 1, “querying a database with the feedback analysis information associated with the survey subject and the at least one performance category for a coaching comment.”

As stated above, *Richman* at least does not disclose querying a database for coaching comments. Rather, *Richman* teaches free form text feedback and is silent regarding coaching comment retrieval from a database. Furthermore, *Nanos* does not

overcome *Richman*'s deficiencies. For example, *Nanos* merely provides an automated survey kiosk which is: i) easy to install at a location; ii) does not necessarily require access to standard telephone lines; iii) can be easily reprogrammed; iv) has unlimited language capabilities; and v) whose data can be sent directly to a client. (See col. 4, lines 41-46.) Like *Richman*, nowhere in *Nanos* does it disclose querying a database for coaching comments. Rather, *Nanos* provides a device for obtaining survey information and is silent regarding coaching comment retrieval from a database.

*Richman* and *Nanos* either individually or in combination, would not have led to the claimed subject matter because *Richman* and *Nanos* at least do not disclose "querying a database with the feedback analysis information associated with the survey subject and the at least one performance category for a coaching comment," as included in dependent Claims 18, 20, and 22. Accordingly, dependent Claims 18, 20, and 22 are each patentably distinguishable over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 18, 20, and 22.

## V. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other

bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
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